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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,571	12/19/2000	Kathryn L. Parker	MS	5903
7590	11/12/2003		#155647.1/40062.88-LJS-	
Homer L. Knearl Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER PATEL, HARESH N	
			ART UNIT 2126	PAPER NUMBER
			DATE MAILED: 11/12/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

P29

Office Action Summary

Application No.

09/741,571

Applicant(s)

PARKER ET AL.

Examiner

Haresh Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

1. Claims 1-13 are presented for examination.

Information Disclosure Statement

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. The entire system for the claimed invention is not created from scratch and has been used in the past by the same assignee.

In response to this requirement, please provide the title, citation and copy of each publication that is a source used for the description of the prior art in the disclosure. For each publication, please provide a concise explanation of that publication's contribution to the description of the prior art.

This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al. 6,587,835 (Hereinafter Treyz), as disclosed in the non-final action paper number 2 mailed on 7/22/03.

Response to Arguments

Applicant's arguments filed 10/22/2003 have been fully considered but they are not persuasive.

Applicant argues (1) "Treyz reference does not teach the setting of a profile for notification events". The examiner disagrees in response to applicant's arguments. Treyz teaches a system and a method, which allows users to receive notifications for the user or the reminder of certain events. The user selections and settings for each user are stored locally or on a remote server. Using the on-screen options, user is allowed to configure the handheld computing device. The user is allowed to adjust alert settings for various message types and to specify predefined intervals of the events. The user is allowed to select message types (notification events), like, proximity, local, notifications, reminders, e-mail, etc. The user is allowed to select alert response type for each message type, like, vibration, visual only, tone, etc. The user is allowed to specify retention time, like 5 minutes, 2 hours, indefinite, etc. (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65).

Applicant argues (2) "Treyz reference does not teach setting notification profiles for notification events". The examiner disagrees in response to applicant's arguments. As stated in

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response to the first argument, Treyz allows each individual user to set notification profiles for different notification events (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65).

Applicant argues (3) “Treyz reference does not teach how one might set a notification profile per event to make use of the various types of notification”. The examiner disagrees in response to applicant's arguments. As stated in response to the first argument, Treyz teaches that the user can select message types, like, proximity, local, notifications, reminders, e-mail, etc. The message types are different types of events. The alert response for each message type, like, vibration, visual only, tone, etc are the different types of notifications, which user can select for each event (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65).

Applicant argues (4) “Treyz reference does not show setting a notification profile where there is an association between a notification event and a notification type”. The examiner disagrees in response to applicant's arguments. As stated in response to the first argument, Treyz teaches the relationship between the message types (notification event) and the alert response (notification type) for each message type, like, vibration, visual only, tone, etc. (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65).

Applicant argues (5) “Treyz reference does not teach storing a profile for notifications events, nor does it teach associating each profile with a notification type or selecting a signal to select a notification mode and applying the selected notification mode until another selection occurs”. The examiner disagrees in response to applicant's arguments. Treyz teaches that the user can store his personnel settings for the messages events with the notification types and to select the events versus notification types, which can be saved locally or at a remote server and

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which user can modify whenever he desires to do so (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65).

Applicant argues (6) “Treyz reference does not store a plurality of profiles nor does it determine whether to notify the user of a first notification type or a second notification type where the notification type depends upon the profile relating to the notification event”. The examiner disagrees in response to applicant's arguments. Treyz teaches a system and a method, which is used by plurality of users and each user is allowed to store and retain his own setting for the notification events and notification types (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65).

Applicant argues (7) “Treyz reference does not have a profile for a unique notification mode nor does it provide selecting a notification mode until another mode is selected”. The examiner disagrees in response to applicant's arguments. Treyz allows the user to select and set notification events. The user settings are retained using the handheld device for each user. The user is also allowed to select and set notification types for the notification events. Also the user is allowed to select or modify or retain the notification type for each notification event, in the manner the user desires to do so (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 306-5404.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

November 4, 2003.



**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**